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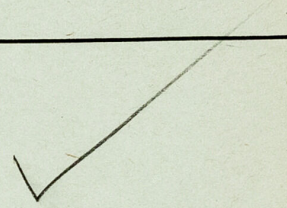
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BRUNEI.

The Societies Enactment



CLOSED
UNTIL
1998

C.O.

No 11 of 1948.

C.O. 943/1/11

Previous

Subsequent

14531 19/1
MR ASHTON. 21/1
1) H. Haggel Lib. 24/1
2) Mr. McPetrie 17/12
Mr. Ashton 18/12
H. 531. 30/5
Mr Ashton 21/5
1) Leg. lib. 1/6
2) Mr. McPetrie 1/6
Mr Ashton 1/6
H. 531 5/8
Legal library 6/8
H. 531. PUT BY

L 3
59709/19

1998
KEEP

C1.

1. Sarawak — Sav 4 — 6/1/49.

2

Mr. McPetrie.

(44) on
59706/48

Any legal observations, please? Or do you prefer to wait till we receive a reply from Brunei to our request for legal reports with enactments?

K. G. Ashton
21/1

I should prefer to wait; I shall in any case wish to have a legal report and comparative table ~~to~~ on this enactment.

J. C. McPetrie
17/2.

~~I have~~ noted on 59706/48.

B. U. 1 mth. with that file.

K. G. Ashton
18/2

3/6

see min on
59706/48.

88

2. Brunei — Sav 37 — 10/5/49.
(orig on 59709/16/49)

Mr. McPetrie.

Ref. your min. of 17/2, a legal report is now behind (2).

K. G. Ashton
31/5.

No comments.

J. C. McPetrie

1/6

17531

Please acknowledge and put by.

K. G. Ashton
1/6.

3

Brunei - Saw 57 -
(D/Con 59709/22/49)

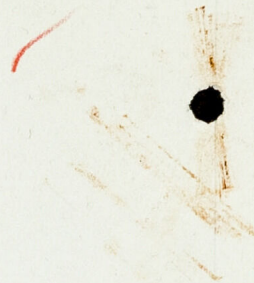
5/8/49

3

legat library &
note & take Hs.

see note on
59709/16/48
H/L 4/8

 ✓



59709/22/49.

Saving.

From the Secretary of State for the Colonies.

To the ~~Officer Administering the Government of~~ HIGH COMMISSIONER FOR BRUNEI.

Date 5th August, 1949.

No. 57 Saving.

Your Saving 37 of 10th May 1949.

I acknowledge receipt of the Legal Reports on Brunei Enactments enclosed with your savingram.

Copies of the Oil Mining (Amendment) Enactment, No. 12 of 1948, do not appear to have been received, and I shall be grateful if 10 printed copies of this enactment may be forwarded.

SECEP.

SAVING. .

2
S

From the High Commissioner for Brunei.

To the Secretary of State for the Colonies.

date 10th May, 1949.

No. 37 Saving.

orig on 89709/16

In accordance with Colonial Regulation 153,

I enclose Legal Reports on the following Brunei

Enactments:-

~~8 of 1948 by the Attorney-General,~~
North Borneo.

~~9 and 10 of 1948 by the British~~
Resident, Brunei.

~~11 and 12 of 1948 and 1 of 1949~~
by the Attorney-General, Sarawak.

State of Brunei.

Legal Report

Societies Enactment, 1948.

(No. 11 of 1948)

The Society Enactment, 1933, was defective in that it did not make proper provision for the control of registered societies or provide adequate machinery for the dissolution of unlawful societies.

2. The new Enactment is based on the Societies Ordinance of North Borneo (No. 29/47). As the powers normally vested in a Governor, under legislation dealing with societies, are vested in the British Resident, it was thought advisable that there should be a right of appeal to the High Commissioner against an order of the Resident declaring a society unlawful (Section 8(4)).

3. Under section 30, the rules made under the repealed Enactment were repealed, and new rules have now been made modelled on the North Borneo Rules.

4. A comparative table is attached hereto.

A. J. Patten-Silber

Legal Adviser.

54

May, 1949.

Societies Enactment, 1948.

(Enactment No.11 of 1948).

Comparative Table.

This Enactment is based on the North Borneo Societies Ordinance (No.29 of 1947), hereinafter referred to as "model". Throughout the Enactment the words "Resident", "State" and "Enactment" have been substituted for the words "Governor", "Colony" and "Ordinance" respectively, and references to publication in the Gazette have been omitted, as a gazette is not published in Brunei, and the expression "public notification" has been used instead.

<u>Section</u>	<u>Marginal note</u>	<u>Source</u>
1.	Short title and commencement.	
2.	Interpretation.	Section 2 of model, except paragraph (e) which provides exemption from the definition of Society in favour of schools, and follows the wording of paragraph (e) of section 2 of the Sarawak Societies Ordinance (No.11/47).
3.	Triad societies declared unlawful.	Section 3 of model.
4.	Appointment of officers.	Section 4 of model.
5.	Registration of societies.	Section 5 of model.
6.	Cessation of existence of a society.	Section 6 of model.
7.	Calling on any society to furnish particulars.	Section 7 of model.
8.	Power to declare society unlawful.	Section 8 of model re-drafted. Provisions have been inserted for an appeal against the decision of the Resident to the High Commissioner.
9.	Orders to registered societies to furnish constitution rules, etc.	Section 9 of model.

<u>Section</u>	<u>Marginal note</u>	<u>Source</u>
10.	Orders to registered societies to furnish additional information.	Section 10 of model.
11.	Obligation on officers of registered societies to comply with order.	Section 11 of model.
12.	Registrar may call for accounts.	Section 12 of model.
13.	Penalty for managing unlawful society.	Section 13 of model.
14.	Penalty for participation in unlawful society.	Section 14 of model.
15.	Penalty for allowing use of premises for meeting of unlawful society.	Section 15 of model.
16.	Presumption that association is a society.	Section 16 of model.
17.	Presumptions as to membership and management of society.	Section 17 of model.
18.	Possession of books, seals, banners, etc., of Triad Societies.	Section 18 of model.
19.	Certain offences not bailable.	Section 19 of model.
20.	Power to enter and search meeting places or business places.	Section 20 of model.

<u>Section</u>	<u>Marginal note</u>	<u>Source</u>
21.	Power to enter and search meeting places or depots of unlawful society and make arrests and seizures.	Section 21 of model.
22.	Power of Registrar to summon witnesses. Photographs and finger impressions.	Section 22 of model.
23.	Prosecutions.	Section 23 of model.
24.	Forfeiture.	Section 24 of model.
25.	Service of documents.	Section 25 of model.
26.	Consequences of order of dissolution.	Section 26 of model - adapted. As there is no bankruptcy or company legislation in Brunel, references to "Receiver in Insolvency" have been omitted and also paragraph (e). The expression "the Court of the Resident" has been substituted for "a Judge of the High Court".
27.	Provisions applicable to registered societies.	Section 27 of model.
28.	Rules.	Section 28 of model.
29.	Evidence.	Section 29 of model.
30.	Repeal.	Section 31 of the Sarawak Societies Ordinance (No.11/47), except that the rules made under the repealed Enactment are also repealed.

AS/SPH.

Ref: 26/HCO/14.

10

SAVING.

From the High Commissioner for Brunei.
To the Secretary of State for the Colonies.

Date.....6.....January, 1949.

No.4.....Saving.



I enclose 10 copies of Brunei

Enactments Nos. ~~10~~ and 11 of 1948.

59709/19

led

STATE OF BRUNEI

ENACTMENT NO. 11 OF 1948.

An Enactment to unify and amend the law relating to societies.

E. E. F. PRETTY,
British Resident,
Brunei.

4th October, 1948.

IT IS HEREBY ENACTED by His Highness the Sultan in Council as follows:—

1.—This Enactment may be cited as The Societies Enactment, 1948, and shall come into force on such date as may be appointed by the Resident by public notification.

Short title
and com-
mencement.

2.—In this Enactment and in rules made thereunder unless there is something repugnant in the subject or context—

Inter-
pretation.

“place” includes vessel;

“Magistrate” means a magistrate of the First Class;

“registered society” means any society for the time being registered under this Enactment;

“Registrar” means the Officer appointed as Registrar of Societies under this Enactment and includes any Deputy Registrar of Societies and in sections 20, 21 and 22 any Assistant Registrar of Societies appointed under this Enactment;

“seal” includes stamp;

“society” includes any club, company, partnership or association of ten or more persons, whatever be its nature or object, and every branch of such club, company, partnership or association, except the following:—

- (a) any company, association or partnership registered under the law for the time being relating to companies or formed and maintained for the sole purpose of carrying on any lawful business;
- (b) any company or association (including a co-operative society) constituted under any written law or under Royal Charter or Letters Patent of His Britannic Majesty or under any Act of the Imperial Parliament of the United Kingdom or of the Legislature of any British Possession;

- (c) any body of Freemasons regularly constituted under any of the recognised governing bodies of Freemasons in the United Kingdom of Great Britain and Northern Ireland;
- (d) any trade union registered under any written law for the time being regulating trade unions.
- (e) Any Government school or school, or committee of management of a school, registered under the law for the time being regulating schools.

Triad societies
declared
unlawful.

3.—Every society which uses a Triad ritual or Triad emblems or Triad titles or other Triad nomenclature shall be known as a Triad Society and shall be an unlawful society.

Appointment
of officers.

4.—(1) The Resident may by public notification appoint by name or office an officer to be styled the Registrar of Societies for the State and officers to be styled Deputy Registrars of Societies.

(2) The Resident may by public notification appoint officers to be styled Assistant Registrars of Societies.

(3) The Resident may from time to time give general or special directions to the Registrar, Deputy Registrars and Assistant Registrars as to the performance of their duties.

Registration
of societies.

5.—(1) No society shall be registered under this Enactment except upon an order of the Registrar as hereinafter in this section mentioned.

(2) The Registrar, upon application for registration by any society, other than a society of the kind mentioned in sub-section (4) of this section, shall, subject to the provisions of sub-section (6) of this section, order that such society be permitted to register under this Enactment and thereupon such society may be registered under this Enactment in manner prescribed.

(3) Every such registration which shall have effect throughout the State shall be publicly notified: Provided that no such registration shall have effect or be publicly notified until after due payment of the fee, if any prescribed in respect thereof.

(4) The Registrar shall refuse to order the registration of any society which he has reasonable grounds to believe is a Triad Society or a society any of whose objects is unlawful.

(5) Any society aggrieved by such refusal of the Registrar to order registration of such society, may, within one month after such refusal, appeal in writing to the Resident who shall give such order in the matter as he thinks proper. The order of the Resident shall be final and not subject to appeal to any Court.

(6) Where a dispute exists among the members of a society applying for registration under this section as to the persons who are to be office bearers or to hold or administer any property of the society, the Registrar may refuse to register the society until the dispute is decided by a Court or by arbitration or by agreement between the members or otherwise.

6.—If the Registrar shall have reason to believe that any registered society has ceased to exist he may issue a public notification calling upon such society to furnish to him, within three months from the date of such notification, proof of its existence and, if at the expiration of such period the Registrar is satisfied that the society has ceased to exist a public notification to that effect shall be published and the society shall be deemed to have ceased to exist from the date of such publication.

Cessation of existence of a society.

7.—(1) Whenever it shall appear to the Registrar that there is reasonable cause to suspect that any unregistered society—

Calling on any society to furnish particulars.

- (a) is being used, or is likely to be used, for unlawful purposes or for purposes incompatible with the peace, good order or welfare of the State or of any part thereof; or
- (b) is being used for purposes at variance with its professed aims or objects;

the Registrar may, by notice in writing under his hand, require such society to furnish to him in writing, within a time to be specified in the notice, all or any particulars which the Registrar is empowered by this Enactment to require to be furnished to him by a registered society.

(2) If the society fails to furnish such particulars within the time specified in the notice, the society shall be deemed to be an unlawful society and the Registrar may issue a public notification to that effect.

8.—(1) It shall be lawful for the Resident, where he considers it to be essential in the public interest, by public notification to declare to be unlawful any society which in his opinion—

Power to declare society unlawful.

- (a) is a Triad Society; or
- (b) is being used or is likely to be used, for intimidation, extortion, or any other unlawful purpose, or for a purpose incompatible with the peace good order, or welfare of the State or of any part thereof; or
- (c) is being used for purposes at variance with its professed objects.

(2) A copy of every such notification shall, if practicable be affixed in a conspicuous manner on any building occupied by such society and shall be posted at the Police Station of the District in which such building may be.

(3) Every society which has been declared to be unlawful under this section and whose governing body has not lodged an appeal under subsection (4) or whose appeal has failed, shall, if no such appeal has been lodged, on the expiration of seven days from the time of such declaration, or, if an appeal has been lodged, from the time such declaration is confirmed by the High Commissioner, *ipso facto* be dissolved and thenceforth be an unlawful society.

(4) The governing body of a society which has been declared to be unlawful by the Resident under this section may within seven days of the publication of the notification containing such declaration appeal to the High Commissioner who may, at his absolute discretion, confirm or reverse the Resident's decision.

(5) The decision of the High Commissioner under this section shall be final and not subject to appeal to any Court.

Orders to registered societies to furnish constitution, rules, etc.

9.—The Registrar may at any time order any registered society to furnish to him in writing—

- (a) a true and complete copy of the constitution and rules of the society in force at the date of such order;
- (b) a true and complete list of the officers of the society and a true statement of the number of its members.

Orders to registered societies to furnish additional information.

10.—The Registrar shall from time to time, order any registered society to furnish to him in writing such information as may be prescribed by rule made under section 28 of this Enactment and may at any time order any registered society to furnish to him such information and to produce for his inspection such documents as he may be authorised by rule made under the said section to require.

11.—(1) The president and secretary and all members of committee, or if such offices do not exist, then all persons holding positions analogous to those of president, secretary and member of committee, and all persons managing or assisting in the management of any registered society in respect of which any order shall have been made under the provisions of section 9 or section 10 shall be personally bound to secure due compliance with such order.

Obligation on officers of registered societies to comply with order.

(2) If any society shall fail to comply with any order made under section 9 or section 10 of this Enactment, every person referred to in sub-section (1) of this section shall be guilty of an offence and shall be liable to a fine of fifty dollars.

Penalty.

12.—(1) The Registrar may at any time, by writing under his hand, require any registered society to furnish to him, within a time to be stated in such order, duly audited accounts.

Registrar may call for accounts.

(2) For the purpose of this section "duly audited" means audited by an auditor approved by the Registrar. Such approval may be given either generally or for any particular audit.

(3) The auditor shall make a report to the Registrar on the accounts examined by him.

(4) In any case where duly audited accounts are not furnished within the time stated in the order, or any extension thereof allowed by the Registrar, the Registrar may make a provisional order for the dissolution of the society.

Order for dissolution of society.

(5) Any of the persons mentioned in section 11 may, within one month from the date of any such provisional order, appeal to the Resident against such order and the Resident shall give such order in the matter as he thinks proper. The order of the Resident shall be final and not subject to appeal to any Court.

Appeal.

(6) Upon the expiration of one month from the date of such provisional order, or where an appeal is pending upon the dismissal thereof, the order shall become absolute and the society shall be deemed to be an unlawful society.

13.—Any person managing or assisting in the management of an unlawful society shall be liable to imprisonment for a term which may extend to three years.

Penalty for managing unlawful society.

14.—Any person acting as a member of an unlawful society or attending a meeting of an unlawful society shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to twelve months or to both such fine and imprisonment.

Penalty for participation in unlawful society.

Penalty for allowing use of premises for meeting of unlawful society.

15.—Any person knowingly allowing a meeting of an unlawful society or of members of an unlawful society to be held in any house, building or place belonging to or occupied by him or over which he has control shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to twelve months or to both such fine and imprisonment.

Presumption that association is a society.

16.—(1) If in any prosecution for an offence against the provisions of this Enactment it shall be proved that a club, company, partnership or association exists and is not a registered society, it shall be presumed, until contrary be proved, that the club, company, partnership or association is a society within the meaning of this Enactment.

Name.

(2) In any prosecution under this Enactment, it shall not be necessary to prove the name of the unlawful society, or to prove that it has any name.

Presumptions as to membership and management of society.

17.—(1) When any books, accounts, writings, seals, banners or insignia of or relating to any society are found in the possession of any person, it shall be deemed sufficient evidence, unless the contrary be proved, that such person is a member of such society.

(2) When any books, accounts, lists of members or seals of or relating to any society are found in the possession of any persons, it shall be deemed sufficient evidence, unless the contrary be proved, that such person assists in the management of such society.

Possession of books, seals, banners, etc., of Triad Societies.

18.—Any person found in possession of, or having the custody or control of, any books, accounts, writings, seals, banners or insignia of or relating to any Triad society or branch of a Triad society whether such society be established in the State or not, shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Certain offences not bailable.

19.—Every offence against the provisions of sections 13, 14, 15 and 18 shall be deemed to be a non-bailable offence and a seizable offence within the meaning of the Criminal Procedure Code in force in the State.

Power to enter and search meeting places or business places.

20.—It shall be lawful for the Registrar or a Magistrate or a Police Officer not below the rank of Sergeant who has reason to believe that any society whether registered or not is being used or has been used for purposes prejudicial to the peace, good order or welfare of the State or of any part thereof or that any registered society is being used or has been used

for purposes at variance with the registered rules or objects of such society to enter, with or without assistance and using force for that purpose if necessary, into any place which he has reason to believe is used as the place of meeting or place of business of such society and to search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purposes as aforesaid.

21.—(1) It shall be lawful for the Registrar or a Magistrate or a Police Officer not below the rank of Sergeant to enter, with or without assistance and using force if necessary, into any dwelling-house or other building or into any place in which he may have reasonable ground to believe that a meeting of an unlawful society or of persons who are members of an unlawful society is being held or that books, accounts, writings, banners or insignia belonging to an unlawful society are concealed or kept or deposited and to arrest or cause to be arrested all persons found in or escaping from such house, building or place and to search such house, building or place and seize or cause to be seized all books, accounts, writings, banners, documents, flags, insignia, arms and other articles which he may have reasonable cause to believe to belong to any unlawful society or to be in any way connected therewith.

Power to enter and search meeting places or depots of unlawful society and make arrests and seizures.

(2) All persons so arrested and all articles so seized may be detained in custody till they can be brought in due course before a Magistrate to be dealt with according to law.

22.—(1) The Registrar may summon before him any person whom he has reason to believe to be able to give any information as to the existence or operations of any unlawful society or of any club, company, partnership or association suspected of being an unlawful society or as to the operations of any registered society, and the person so summoned shall be legally bound to attend at the hour and place in the summons specified and to produce all documents in his custody, possession or power relating to such society, club, company, partnership or association and to answer truthfully all questions which the Registrar may put to him and if any such person shall fail to attend on such summons or shall fail to answer truthfully he shall be guilty of an offence and be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

Power of Registrar to summon witnesses. Photographs and finger impressions.

(2) The Registrar shall be deemed to be a public servant within the meaning of the Penal Code in force in the State and may administer oaths or affirmations to, and examine on oath or affirmation, any person summoned before him under the provisions of this Enactment.

Penalty.

(3) If any person summoned by the Registrar under this section shall without lawful excuse fail to comply with any obligation imposed upon him by sub-section (1) or shall give information which the Registrar believes to be false, the Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of the finger-prints of such person be taken at such time and in such place and manner as the Registrar may think fit and, if such person shall without lawful excuse fail to comply with or shall obstruct the execution of any such order, he shall be guilty of an offence and be liable to a fine not exceeding one hundred dollars.

(4) No statement made by a person summoned before the Registrar under the provision of this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceeding, except a prosecution for failing to answer truthfully under this section.

Prosecutions.

23.—(1) Except in the case of persons arrested under the provisions of section 21, no person shall be charged with an offence under this Enactment or under any rule made thereunder except with the written sanction of the Registrar.

(2) All prosecutions under this Enactment may be conducted by the Registrar or by some person authorised in writing by him to appear on his behalf.

(3) In all prosecutions, whether conducted by the Registrar or by some other persons, a certificate sealed with the seal of the Registrar and purporting to be signed by the Registrar that any society is or is not a registered society or, having been registered, has been dissolved shall be admitted as conclusive evidence of the facts stated in such certificate.

Forfeiture.

24.—All books, accounts, writings, banners, insignia and all other property belonging to any unlawful society shall be forfeited and handed over to the Registrar, who may, after a period of six months, destroy the same.

Service of documents.

25.—All process, notices and other documents issued under this Enactment or under any rule made thereunder shall be deemed to have been validly and effectually served if served on or left with the person intended to be served or, in case he cannot be found, if left at his last known place of business or abode by any person authorised in that behalf by the Registrar or if addressed to a Society; may be sent by registered post to the last known address of such society.

26.—(1) Upon the making of an order of dissolution by the Registrar against any society, the following consequences shall ensue:—

Consequences
of order of
dissolution.

- (a) The property of the society shall forthwith vest in the officer who is, by the terms of the order of dissolution, appointed by the Registrar for the purpose of winding-up the affairs of the society.
- (b) The officer appointed as aforesaid shall wind-up the affairs of the society and, after satisfying and providing for all debts and liabilities of the society and the costs of the winding-up, shall divide the surplus assets (if any) of the society amongst the members of the society according to the rules of such society (if any) or, if there are no such rules applicable to such case, then equally, but, if by reason of the great number of members or the difficulty of ascertaining the persons entitled to such assets or from any other cause such a division as aforesaid, is, in the opinion of such officer appointed as aforesaid impracticable, such officer shall prepare and submit to the Court of the Resident for his approval a scheme for the application of such surplus assets to purposes likely to benefit that portion of the public to which the members of the society more particularly belonged or the public generally.
- (c) Such scheme when submitted for approval may be amended by the Resident in such a way as he shall think proper.
- (d) The approval of the Resident to such scheme or amended scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by the Resident and by the same being sealed with the seal of the Resident's Court and, thereupon the surplus assets the subject of such scheme shall be held and applied in accordance with such scheme.

(2) The Registrar may, for the purpose of enabling a society to wind-up its own affairs, suspend the operation of this section to such extent and for such period as he may think expedient.

27.—The following provisions shall apply to registered societies:—

Provisions
applicable
to registered
societies.

- (a) The movable property of such society, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of such society and in all proceedings civil and criminal may be described as the property of the governing body of such society by their proper title if known.

- (b) Every such society may sue or be sued in the name of such one of its members as shall be declared to the Registrar and registered by him as, the public officer of the society for this purpose and, if no such person shall be registered, it shall be competent for any person having a claim or demand against the society to sue the society in the name or any person registered as an officer of the society.
- (c) No suit or proceeding by or against a registered society in any Civil Court shall abate or discontinue by reason of the person by or against whom such suit or proceeding shall have been brought or continued dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.
- (d) No judgment in any such suit shall be put into force against the person or property of the person sued but against the property of the society. The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society and shall require to have the judgment enforced against the property of the society.
- (e) Any member who fails to pay a subscription which, according to the rules of the society to which he belongs, he is bound to pay, or who owes money to such society, or who takes possession of, or detains any property of such society contrary to the rules thereof or injures or destroys any such property, may be sued in the manner hereinbefore provided for such subscription or for the damage accruing from such wrongful possession, detention, injury or destruction of property. But, if the defendant is successful in any such suit and is awarded costs, he may elect to recover the same from the officer in whose name the suit was brought or from the society and, in the latter case, may have execution against the property of the society.
- (f) Any member of a registered society who shall commit theft of, or dishonestly misappropriate or convert to his own use, any money or other property, or wilfully and maliciously destroy or injure any property of such society or shall forge any deed, bond, security for money, receipt or other instrument whereby the funds of the society may be exposed to loss, shall be liable to be prosecuted and punished as if he were not a member of such society.

- (g) Any number not less than three-fifths of the members of any registered society for the time being resident in the State may determine that such society shall be dissolved forthwith or at a time agreed and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules (if any) of the said society applicable thereto and, if none, then as the governing body shall direct:

Provided that if any dispute shall arise among the members of the said governing body or the members of the society, such dispute may be decided by the Registrar. Any person aggrieved by any decision of the Registrar under this subsection may within thirty days from the date of such decision appeal to the Court of the Resident.

28.—(1) The Resident may from time to time make Rules. rules for the purposes following or any of them—

- (a) to prescribe the manner of registering societies under this Enactment;
- (b) to regulate or restrict changes of the name of registered societies or of the place of business or place of meeting or of the registered rules or objects of registered societies;
- (c) to prescribe the manner and conditions in and under which the powers conferred by this Enactment shall be exercised by the person on whom such powers are conferred;
- (d) to prescribe the fees which may be charged and taken on proceedings under this Enactment;
- (e) to prescribe the forms which may be used for carrying out the provisions of this Enactment;
- (f) generally, for carrying into effect the provisions of this Enactment in relation to any matter, whether similar or not to those above mentioned, as to which it may be expedient to make rules.

(2) The Resident may in making a rule under this section prescribe for breach thereof a fine not exceeding fifty dollars and for a continuing breach thereof a daily fine of ten dollars.

(3) All rules made under this section shall be published by notification and shall thereupon have the force of law.

22
END

Evidence.

29.—(1) In any prosecution under this Enactment, it shall be no objection to the admissibility of expert evidence that the expert is not or has not been a member of any unlawful society.

(2) In any prosecution under this Enactment, the Magistrate may refer, for the purposes of evidence, to any of the following books—

“Thian Ti Hwui, the Hung League or
Heaven-Earth League” by G. Schlegel,

“The Triad Society” by W. Stanton,

“The Hung Society, or the Society of
Heaven and Earth” by J. S. M. Ward
and W. G. Stirling,

and to any other published books or articles on the subject of unlawful societies in general or of particular unlawful societies, which the Magistrate may consider to be of authority on the subject to which they relate.

Repeal.

30.—The Societies Enactment, 1933 and all Rules made thereunder in force in the State are hereby repealed: Provided that a society which, immediately prior to the coming into operation of this Enactment, was registered under the Societies Enactment shall be deemed to be registered under this Enactment unless the governing body of such society notifies the Registrar in writing within one month after the coming into operation of this Enactment that it does not desire that this proviso shall apply in respect of such society.

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Enactments. The Societies Enactment No 11 of 1948. 1948. MS Records of the British Colonial Office CO 943/1/11. The National Archives (Kew, United Kingdom). State Papers Online Colonial, link.gale.com/apps/doc/DUWEYT058159744/SPOC?u=omni&sid=bookmark-SPOC&pg=1. Accessed 20 Dec. 2024.